



LODI CITY COUNCIL

Carnegie Forum*
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: September 16, 2009

Time: 7:00 p.m.

*and via conference call:

1311 Midvale Road
Lodi, CA 95240 **OR**
950 S. Fairmont Avenue
Lodi, CA 95240

For information regarding this Agenda please contact:

Randi Johl
City Clerk
Telephone: (209) 333-6702

***NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.*

C-1 Call to Order / Roll Call – N/A

C-2 Announcement of Closed Session – N/A

C-3 Adjourn to Closed Session – N/A

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action – N/A

A. Call to Order / Roll call

B. Invocation – Pastor Bill Cummins, Bear Creek Community Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations – None

D-3 Presentations

- a) Presentation of Certificate of Recognition to the Lodi Appellation for its Participation with the City of San Francisco on the First Treasure Island Wine Festival, October 11, 2009

E. Consent Calendar (Reading; Comments by the Public; Council Action)

E-1 Receive Register of Claims in the Amount of \$5,955,963.70 (FIN)

E-2 Approve Minutes (CLK)

- a) September 1, 2009 (Shirtsleeve Session)
- b) September 2, 2009 (Regular Meeting)
- c) September 8, 2009 (Shirtsleeve Session)

E-3 Authorize City Manager to Execute Agreement with U.S. Department of Justice Community Oriented Policing Services (COPS) to Accept the COPS Hiring Recovery Program Grant to Fund Four Entry-Level Police Officer Positions for Three Years (\$1,430,676) (PD)

E-4 Consider Adjusting Purchase Price by \$32,151.01 of the \$355,000 Paid for 217 East Lockeford Street by the Eagles Hall (CA)

E-5 Set Public Hearing for October 7, 2009, to Consider Reallocation of Available Urban County Community Development Block Grant and HOME Program Funding (CD)

E-6 Set Public Hearing for October 21, 2009, to Consider Service and Route Modifications Due to State Budget Cuts for Local Transit Services (PW)

F. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Comments by the City Council Members on Non-Agenda Items

H. Comments by the City Manager on Non-Agenda Items

I. Public Hearings – None

J. Communications

J-1 Claims Filed Against the City of Lodi – None

J-2 Appointments – None

J-3 Miscellaneous

a) Monthly Protocol Account Report (CLK)

K. Regular Calendar

Ord. K-1 Introduce Ordinance Amending Lodi Municipal Code Title 16 – Subdivisions – Chapter 12, (Introduce) “Parcel Maps,” and Chapter 16, “Final Maps” (PW)

Res. K-2 Adopt Resolution Approving Grape Bowl Facility Renovation and/or Maintenance Fee Policy (PR)

K-3 Status Report Regarding Energy Efficiency and Conservation Block Grant Funded Projects (EUD)

Res. K-4 Consider Resolution Opposing Development of a Peripheral Canal and Expansion of State Authority over Local Land-Use Decisions (CM)

L. Ordinances – None

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation of Certificate of Recognition to the Lodi Appellation for its Participation with the City of San Francisco on the First Treasure Island Wine Festival, October 11, 2009

MEETING DATE: September 16, 2009

PREPARED BY: City Clerk

RECOMMENDED ACTION: Mayor Hansen to present Certificate of Recognition to the Lodi Appellation for its participation with the City of San Francisco on the first Treasure Island Wine Festival to be held on October 11, 2009.

BACKGROUND INFORMATION: The City of San Francisco and the leaders of Treasure Island have offered their support to partner with the Lodi region to produce the first Treasure Island Wine Festival on Sunday, October 11, 2009, exclusively featuring Lodi Appellation wines. The Mayor will present a Certificate of Recognition to the growers and vintners of the Lodi Appellation for stepping out and positively cultivating the industry involving wine production consumption, grape cultivation, and allied industries.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None.

Randi Johl
City Clerk

RJ/JMP

APPROVED: _____
Blair King, City Manager



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims Dated August 20 and August 27, 2009 in the Total Amount of \$5,955,963.70

MEETING DATE: September 16, 2009

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$5,955,963.70

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$5,955,963.70 dated 08/20/09 and 08/27/09. Also attached is Payroll in the amount of \$1,228,001.28.

FISCAL IMPACT: n/a

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

APPROVED: _____
Blair King, City Manager

Accounts Payable
Council Report

Page 1
Date - 09/01/09
Amount

As of Thursday	Fund	Name	Amount
08/20/09	00100	General Fund	819,631.44
	00122	Equipment Replacement Fund	30.48
	00160	Electric Utility Fund	7,166.98
	00164	Public Benefits Fund	2,743.56
	00166	Solar Surcharge Fund	15,763.80
	00170	Waste Water Utility Fund	23,846.34
	00172	Waste Water Capital Reserve	438.12-
	00180	Water Utility Fund	2,555.53
	00210	Library Fund	1,153.62
	00211	Library Capital Account	604.93
	00260	Internal Service/Equip Maint	26,244.45
	00270	Employee Benefits	434,181.45
	00300	General Liabilities	20,989.44
	00310	Worker's Comp Insurance	80,715.56
	00320	Street Fund	4,072.35
	00321	Gas Tax	13,749.98
	00338	IMF-Regional Transportation	642.42
	00340	Comm Dev Special Rev Fund	2,670.55
	00345	Community Center	13,650.05
	00346	Recreation Fund	2,387.83
	01212	Parks & Rec Capital	42,972.77
	01218	IMF General Facilities-Adm	2,632.50
	01250	Dial-a-Ride/Transportation	1,998.93
	01410	Expendable Trust	1,767.77
Sum			1,521,734.61
	00184	Water PCE-TCE-Settlements	3,668.00
	00190	Central Plume	225.00
Sum			3,893.00
Total for Week			
Sum			1,525,627.61
Sum			4,443,330.39

Accounts Payable
Council Report

Page 1
Date - 09/01/09
Amount

As of Thursday	Fund	Name	Amount
08/27/09	00100	General Fund	203,221.40
	00160	Electric Utility Fund	4,017,794.06
	00164	Public Benefits Fund	18,202.03
	00170	Waste Water Utility Fund	6,157.29
	00180	Water Utility Fund	1,018.16
	00181	Water Utility-Capital Outlay	6,960.00
	00210	Library Fund	1,696.86
	00260	Internal Service/Equip Maint	608.21
	00270	Employee Benefits	19,753.51
	00300	General Liabilities	95.00
	00301	Other Insurance	16,130.00
	00310	Worker's Comp Insurance	10,893.34
	00321	Gas Tax	221.74
	00340	Comm Dev Special Rev Fund	685.01
	00345	Community Center	7,967.47
	00346	Recreation Fund	8,777.95
	00459	H U D	1,843.00
	01218	IMF General Facilities-Adm	29,013.31
	01250	Dial-a-Ride/Transportation	44,918.50
	01410	Expendable Trust	34,379.25
Sum			4,430,336.09
Total for Week			
Sum			4,430,336.09

Council Report for Payroll

Page

- 1

Date

- 09/01/09

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	08/09/09	00100	General Fund	713,339.80
		00160	Electric Utility Fund	154,049.08
		00164	Public Benefits Fund	4,976.05
		00170	Waste Water Utility Fund	91,170.85
		00180	Water Utility Fund	1,789.12
		00210	Library Fund	28,580.05
		00235	LPD-Public Safety Prog AB 1913	2,666.70
		00260	Internal Service/Equip Maint	21,164.60
		00321	Gas Tax	47,677.12
		00340	Comm Dev Special Rev Fund	25,974.83
		00345	Community Center	26,677.00
		00346	Recreation Fund	57,459.65
		01250	Dial-a-Ride/Transportation	6,184.25
Pay Period Total:				
Sum				1,181,709.10
Retiree	09/30/09	00100	General Fund	46,292.18
Pay Period Total:				
Sum				46,292.18



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) September 1, 2009 (Shirtsleeve Session)
b) September 2, 2009 (Regular Meeting)
c) September 8, 2009 (Shirtsleeve Session)

MEETING DATE: September 16, 2009

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) September 1, 2009 (Shirtsleeve Session)
b) September 2, 2009 (Regular Meeting)
c) September 8, 2009 (Shirtsleeve Session)

BACKGROUND INFORMATION: Attached are copies of the subject minutes marked Exhibit A through C.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMP

Attachments

APPROVED: _____
Blair King, City Manager

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, SEPTEMBER 1, 2009**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, September 1, 2009, commencing at 7:03 a.m.

Present: Council Member Hitchcock, Council Member Mounce, and Mayor Hansen

Absent: Council Member Johnson, and Mayor Pro Tempore Katzakian

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Topic(s)

B-1 Presentation of City of Lodi's Sewer System Management Plan (PW)

City Manager King provided a brief introduction regarding the subject matter of the Sanitary Sewer Management Plan (SSMP).

Water Services Manager Charlie Swimley provided a PowerPoint presentation regarding the SSMP. Specific topics of discussion included the presentation overview, Waste Discharge Requirements (WDR) Order 2006-003, what is a SSMP, SSMP objectives, elements of the SSMP, system overview, and various pictures depicting wastewater collection system, Washington Street pipeline, Washington Street pipe profile, final destination, maintenance crews at work, sanitary sewer overflow (SSO), what is an SSO, examples of SSOs, SSO categories, reporting requirements, SSO tracking, reporting requirements for private spills, City's response to the WDR, operations enhancements, and proposed staffing additions.

In response to Council Member Mounce, Mr. Swimley stated the cost for the consultant's work on the plan totaled approximately \$35,000 at the end of the day.

In response to Myrna Wetzel, Mr. Swimley stated the State did not provide any funding for the implementation of the plan, although the State did do an analysis, which concluded it will cost customers approximately \$6 per month.

In response to Council Member Hitchcock, Mr. Swimley stated the \$6 figure is probably close to what it is going to cost but staff is continuing to work on the internal cost analysis.

In response to Council Member Mounce, Mr. Swimley stated staff will forward to the Council the website contact information illustrating the local spills in the area and specifics of the plan.

In response to Council Member Hitchcock, Mr. Swimley stated that, with respect to comparing with other cities in maintaining the system, some cities are doing some improvements and there are different measures of performance set by the State itself for various agencies. Mr. Swimley stated it is his understanding that the City is doing well in maintaining the system. He stated the State does not necessarily have zero tolerance for SSOs as they recognize there will be some spills.

In response to Council Member Mounce, Mr. Swimley stated that, if there were a major error during the audit process that required the City to alter the course of implementation, it would be brought back to Council sooner than the five-year period.

In response to Mayor Hansen, Mr. Swimley stated the 8.2 square miles of service number may be an error and closer to the 12 square mile figure. Mr. Swimley stated staff will research the service area and get back to Council with the correct figure.

In response to Council Member Hitchcock, Mr. Swimley stated the terms sewer system and wastewater system are used interchangeably.

In response to Council Member Hitchcock, Mr. Swimley stated the model shown for Washington Street was arrived at using the electronic hydraulic plotting ability for various sewer lines. Mr. Swimley briefly reviewed the process associated with calibrating the model with flow generation factors and utilization of the model itself.

In response to Jeffrey Kirst, Mr. Swimley and Mr. Schwabauer stated water sometimes gets into the sewer system through roof drains, water backing-up in drainage systems, and there are some properties illegally hooked for storm water discharge. Mr. King stated infiltration of the two systems is an ongoing challenge for the City for capacity and treatment purposes.

In response to Mayor Hansen, Mr. Swimley stated that, with respect to public outreach and education, staff does not target a particular area, although the model system is broken up into smaller collection systems and staff can focus on the population within a problematic sub-basin.

In response to Council Member Mounce, Mr. Swimley stated staff can look into a joint public outreach effort with Code Enforcement in the Heritage area.

In response to Mayor Hansen, Mr. Swimley stated the SSO is no longer measured by the gallon or any other measurement factor, as it now refers to any amount of overflow.

In response to Council Member Hitchcock, Mr. Swimley stated there are inspections every two weeks for pumping systems and back-up alarms to notify staff of a system failure.

In response to Myrna Wetzel, Mr. Swimley stated a very bad situation would have to occur for HazMat to respond and an example would be a larger tanker spill.

In response to Council Member Hitchcock, Mr. Swimley stated the City has not been fined for a private spill and he does not anticipate that will happen as private owners would be responsible for a private spill. Mr. King stated if there is a safety hazard the City could address the problem and bill the property owner if necessary.

In response to Mayor Hansen, Mr. Swimley stated there are currently two environmental compliance inspectors. Mr. Swimley stated there are approximately a dozen people that work on the wastewater type of work.

In response to Council Member Hitchcock and Mayor Hansen, Mr. Swimley stated additional staffing will help significantly reduce and oversee spills throughout the community, although it is impossible to eliminate spills in their entirety.

In response to Council Member Hitchcock, Mr. Swimley stated currently there are approximately 160 grease traps in the City and there are additional sand and grease traps for parking lots.

In response to Council Member Mounce, Mr. Swimley stated the additional environmental compliance inspector would be monitoring grease traps and additional storm water monitoring requirements as well as perform other related tasks.

In response to Council Member Hitchcock and Council Member Mounce, Mr. King stated a

management analyst is somewhat generic and the idea is that there is a skill set that may be interchangeable. Mr. King provided a brief overview of the management analyst position, which is a professional position requiring a college degree, and stated there are fewer management analysts now than in 2005. Mr. King stated staff can bring back additional information regarding the same.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 8:23 a.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 2, 2009**

- C-1 Call to Order / Roll Call - N/A
- C-2 Announcement of Closed Session - N/A
- C-3 Adjourn to Closed Session - N/A
- C-4 Return to Open Session / Disclosure of Action - N/A
- A. Call to Order / Roll call

The Regular City Council meeting of September 1, 2009, was called to order by Mayor Hansen at 7:02 p.m.

Present: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen
Absent: Council Member Johnson, and Council Member Mounce
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

- B. Invocation - Barbara Taylor, Lodi Police Chaplain
- C. Pledge of Allegiance
- D. Presentations
- D-1 Awards - None
- D-2 Proclamations - None
- D-3 Presentations - None
- E. Consent Calendar (Reading; Comments by the Public; Council Action)

Mayor Hansen made a motion, second by Mayor Pro Tempore Katzakian, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Johnson, and Council Member Mounce

- E-1 Receive Register of Claims in the Amount of \$5,886,101.41 (FIN)

Claims were approved in the amount of \$5,886,101.41.

- E-2 Approve Minutes (CLK)

The minutes of August 18, 2009 (Shirtsleeve Session), August 19, 2009 (Regular Meeting), and August 25, 2009 (Shirtsleeve Session) were approved as written.

- E-3 Approve Plans and Specifications and Authorize Advertisement for Bids for Hale Park, 209 East Locust Street, and Blakely Park, 1050 South Stockton Street, Playground Surfacing Improvements (PR)

Approved the plans and specifications and authorized advertisement for bids for Hale Park, 209 East Locust Street, and Blakely Park, 1050 South Stockton Street, Playground Surfacing Improvements.

- E-4 Approve Plans and Specifications and Authorize Advertisement for Bids for DeBenedetti Park (G-Basin) Storm Drain Improvements (PW)

Approved the plans and specifications and authorized advertisement for bids for DeBenedetti Park (G-Basin) Storm Drain Improvements.

- E-5 Adopt Resolution Rejecting Bid for Installation, Maintenance, and Monitoring Services of Surveillance Camera System and Accessories in McLane, Killelea, and Industrial Substations (EUD)

Adopted Resolution No. 2009-118 rejecting the bid for installation, maintenance, and monitoring services of surveillance camera system and accessories in McLane, Killelea, and Industrial Substations.

- E-6 Adopt Resolution Awarding Contract for Traffic Stripes for Various City Streets 2009 to Chrisp Company, of Fremont (\$22,960) (PW)

Adopted Resolution No. 2009-119 awarding the contract for Traffic Stripes for Various City Streets 2009 to Chrisp Company, of Fremont, in the amount of \$22,960.35.

- E-7 Adopt Resolution Authorizing the City Manager to Execute an Agreement to Withdraw Lodi from the Western GeoPower Inc. Renewable Energy Power Purchase Agreement (EUD)

This item was pulled for further discussion by Council Member Hitchcock.

In response to Council Member Hitchcock, Mayor Hansen stated that as the project went further it became more expensive than was anticipated, time lines were not being met, financial support was lacking, and the project came in at \$117 per mega watt hour and the City was looking at a lower price. Interim Electric Utility Director Ken Weisel stated this was not a part of the existing portfolio for the City and the requirements are already met with other power resources. Mr. Weisel stated he is comfortable that the standards can be met without this power source.

In response to Council Member Hitchcock, Mr. Weisel stated there was no significant money that was invested in the project that will be lost other than Northern California Power Agency staff time.

Council Member Hitchcock made a motion, second by Mayor Hansen, to adopt Resolution No. 2009-121 authorizing the City Manager to execute an agreement to withdraw Lodi from the Western GeoPower Inc. Renewable Energy Power Purchase Agreement.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Johnson, and Council Member Mounce

- E-8 Adopt Resolution of Vacation of Surplus Portion of Loma Drive Lying Adjacent to Parcel Located at 1310 West Turner Road and Authorize the City Manager to Execute Agreement to Exchange the Vacated Right-of-Way for Public Improvements (PW)

Adopted Resolution No. 2009-120 of vacation of surplus portion of Loma Drive lying adjacent to the parcel located at 1310 West Turner Road and authorized the City Manager to execute an agreement to exchange the vacated right-of-way for public improvements.

- E-9 Appoint Electric Utility Director to Northern California Power Agency and Transmission Agency of Northern California (CLK)

Appointed the position of Electric Utility Director to Northern California Power Agency and Transmission Agency of Northern California.

- E-10 Set Public Hearing for September 16, 2009, to Consider the Reallocation of Available Urban County Community Development Block Grant and HOME Program Funding (CD)

Set public hearing for September 16, 2009, to consider the reallocation of available Urban County Community Development Block Grant and HOME Program funding.

- F. Comments by the Public on Non-Agenda Items
THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

None.

- G. Comments by the City Council Members on Non-Agenda Items

Mayor Hansen reported on his attendance at various commission meetings where the topics of discussion included Highway 12 closure from September 14 to 17, competitive Tiger Funds through federal stimulus for I-5 and Port of Stockton, the start of the east Lodi Avenue improvement project, Lodi Energy Center moving forward, and renewable portfolio standards to meet the requirements of AB 32.

- H. Comments by the City Manager on Non-Agenda Items

City Manager King provided an update on the installation of the art piece known as "Celebrate the Harvest" at the corner of School Street and Oak Street. Mr. King also stated progress was being made on holding the Downtown Summit event as property owners and visitors are being surveyed on their thoughts for downtown. Mr. King also provided a brief update on the California Communities Bond option and the status of various federal grants.

- I. Public Hearings

- I-1 Public Hearing to Consider Adoption of Resolution Levying Annual (2010) Assessment for Downtown Lodi Business Improvement Area No. 1 and Confirming the Downtown Lodi Business Partnership 2009-10 Annual Report (as Approved by Council on August 19,

2009) (CM)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to consider adoption of resolution levying annual (2010) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership (DLBP) 2009-10 Annual Report (as approved by Council on August 19, 2009).

City Manager King briefly introduced the subject matter of the public hearing and proposed assessment. Mr. King described the process associated with the protest and the levying of the assessment.

Mayor Hansen opened the public hearing.

June Aaker of Abrahamson Printing formally protested the assessment based on concerns regarding discrepancies in the mission statement of the DLBP, operations of the DLBP, and general observations associated with the contact between business owners and DLBP.

Mayor Hansen closed the public hearing after receiving no further public comments.

City Clerk Johl reported the only protest received was that from June Aaker, the single protest falls below the requisite number to sustain the protest, and the assessment may be imposed.

Council Member Hitchcock made a motion, second by Mayor Hansen, to adopt Resolution No. 2009-122 levying annual (2010) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership 2009-10 Annual Report (as approved by Council on August 19, 2009).

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Johnson, and Council Member Mounce

J. Communications

J-1 Claims Filed Against the City of Lodi - None

J-2 Appointments - None

J-3 Miscellaneous - None

K. Regular Calendar

K-1 Consider Authorizing the City Manager to Enter into Memorandum of Understanding between Northern California Power Agency and the City of Lodi Regarding the Lease, Development, and Cleanup of the Lodi Energy Center Site (CA)

City Manager King briefly introduced the subject matter of the Memorandum of Understanding (MOU) between the Northern California Power Agency (NCPA) and the City of Lodi for the clean up of the Lodi Energy Center. Mr. King and Mr. Schwabauer provided a PowerPoint presentation regarding the proposed agreement and specifically discussed the history associated with the ground lease, land lease terms, water supply, environmental mitigation and clean up, additional terms, and financial benefits.

In response to Mayor Hansen, Mr. Schwabauer stated the San Joaquin Council of Governments (SJCOG) has advocated for land in lieu of a fee because SJCOG understands that money would not necessarily buy a habitat. Mr. Schwabauer stated in addition the SJCOG program is not available here and the process would go through the Fish and Wildlife organization instead.

In response to Council Member Hitchcock, Mr. Schwabauer stated SJCOG has indicated that there is no other garter snake habitat available in Northern California. Mr. Schwabauer stated the comparable must be with garter snake habitats and there are no other improvements required for the site as may be needed if the City goes through another regulatory process.

In response to Council Member Hitchcock, Mr. King stated with respect to an appraisal some language is taken from the State agreement. Mr. King also reviewed the terms of the former steam injected gas turbine lease and the history associated with the same. Mr. Schwabauer stated the terms specifically require that the appraisal will be completed by a mutually acceptable party.

In response to Council Member Hitchcock, Mr. King stated lease payments for City-owned facilities generally go into the general fund although some go into park related funds based on parks and recreation functions.

In response to Mayor Hansen, Mr. King confirmed the lease itself will go up to \$60,000, totaling \$1.2 million per year to start out.

Council Member Hitchcock made a motion, second by Mayor Hansen, to authorize the City Manager to enter into an MOU between NCPA and the City of Lodi regarding the lease, development, and cleanup of the Lodi Energy Center site.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Johnson, and Council Member Mounce

K-2 Adopt Resolution Amending the Bylaws for the Lodi Improvement Committee to Reduce the Membership of the Committee from Nine to Seven (CD)

City Manager King briefly introduced the subject matter of the Lodi Improvement Committee composition.

Neighborhood Services Manager Joseph Wood provided an overview regarding the Lodi Improvement Committee composition, difficulty associated with achieving a quorum, bylaw amendment, and the opportunity to change the membership due to attrition.

Mayor Hansen made a motion, second by Council Member Hitchcock, to adopt Resolution No. 2009-123 amending the bylaws for the Lodi Improvement Committee to reduce the membership of the Committee from nine to seven.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Johnson, and Council Member Mounce

K-3 Adopt Resolution Approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2008-09 (PW)

City Manager King briefly introduced the subject matter of the impact mitigation fee program.

Public Works Director Wally Sandelin provided an overview of the impact mitigation fee program and the annual report for the 2008-09 fiscal year. Specific topics of discussion included revenue intake, expenditures, debt service, model revisions and rate increase to cover the service, contributions to transit shop, and the last payment to San Joaquin Council of Governments (SJCOG) for improvements.

In response to Mayor Hansen, Mr. Sandelin stated the fire loan for Station 4 has not decreased, as available revenues are being used to pay for the ladder truck lease, the current level indicates the loan would not be paid off for another 40 years, and staff is in the process of correcting the fee associated with the same which will shorten the loan payment significantly.

In response to Council Member Hitchcock, Mr. Bartlam stated Fire Station 4 is covered in the existing General Plan, no new fire stations are considered for future development, and the issue with the fire station was one of timing in that the fire station was built prior to all the units being constructed.

In response to Council Member Hitchcock, Mr. Sandelin stated the number of units to cover the debt for Fire Station 4 is about 3,000 and the only front loaded money was used for studies as he is not aware of any capital upfront money. Council Member Hitchcock requested information regarding the purpose and amount of the money front loaded for Fire Station 4.

In response to Mayor Hansen, Mr. Sandelin stated the expenditures for transit and the MSC are listed in Exhibit B and total approximately \$905,000 across three different funds.

In response to Mayor Hansen, Mr. Sandelin stated that the updated fee program will be brought to Council by the end of 2010. Mr. King stated the timing is consistent with the anticipated completion of the General Plan in December 2009 which will drive some of the fee program.

In response to Mayor Hansen, Mr. King stated the community facilities district tax applies to each subdivision with four units and it is intended to include services such as fire, police, library, and parks.

Mayor Hansen made a motion, second by Mayor Pro Tempore Katzakian, to adopt Resolution No. 2009-124 approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2008-09.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Johnson, and Council Member Mounce

K-4 Adopt Resolution Approving City of Lodi's Sewer System Management Plan and Approving Staffing Additions (PW)

City Manager King provided a brief introduction to the subject matter of the Sanitary Sewer Management Plan (SSMP).

Water Services Manager Charlie Swimley provided a PowerPoint presentation regarding the SSMP. Specific topics of discussion included the presentation overview, Waste Discharge

Requirements (WDR) Order 2006-003, what is a SSMP, SSMP objectives, elements of the SSMP, system overview, and various pictures depicting wastewater collection system, Washington Street pipeline, Washington Street pipe profile, final destination, maintenance crews at work, sanitary sewer overflow (SSO), what is an SSO, examples of SSOs, SSO categories, reporting requirements, SSO tracking, reporting requirements for private spills, City's response to the WDR, operations enhancements, and proposed staffing additions.

In response to Council Member Hitchcock, Mr. King stated the approval of staffing additions could occur tonight if Council so desires, although the positions would not be added until mid-year at the earliest. He stated the pertinent action for the evening is the approval of the plan itself and there is time to bring back additional information on the staffing.

In response to Mayor Hansen, Mr. Swimley stated the older 1968 Ford truck will be replaced with the newer truck and kept as a back-up.

In response to Mayor Hansen, Mr. Swimley stated that, with respect to minimum-maximum penalties, the new positions may be connected in that the individuals doing the monitoring may have an opportunity to notify us prior to a penalty being assessed, although it would be highly unlikely that such an incident would occur.

In response to Council Member Hitchcock, Mr. Swimley stated currently the departmental budget is tracked by him, Mr. Sandelin, and Ms. Areida. Mr. Sandelin stated the analyst position is a technical position with a college degree and not a management position. A brief discussion ensued among Council Member Hitchcock, Mr. Sandelin, and Mr. Swimley regarding the nature and responsibilities of the positions sought.

Council Member Hitchcock suggested that more detailed information regarding the analyst position and its connection to the other positions in the department be brought back to Council at a later date.

Council Member Hitchcock made a motion, second by Mayor Hansen, to adopt Resolution No. 2009-125 approving the City of Lodi Sewer System Management Plan and approving staffing additions (with the exception of the Management Analyst position).

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hitchcock, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: None

Absent: Council Member Johnson, and Council Member Mounce

L. Ordinances - None

M. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:30 p.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, SEPTEMBER 8, 2009**

The September 8, 2009, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Authorize City Manager to Execute Agreement with U.S. Department of Justice Community Oriented Policing Services (COPS) to Accept the COPS Hiring Recovery Program Grant to Fund Four Entry-Level Police Officer Positions for Three Years (\$1,430,676)

MEETING DATE: September 16, 2009

PREPARED BY: Chief of Police

RECOMMENDED ACTION: Authorize the City Manager to execute an agreement with the U.S. Department of Justice Community Oriented Policing Services (COPS) to accept the COPS Hiring Recovery Program Grant to fund four entry-level police officer positions for three years (\$1,430,676).

BACKGROUND INFORMATION: On July 28, 2009, the U.S. Department of Justice COPS Office announced it would award \$1 billion in American Recovery and Reinvestment Act funding through its COPS Hiring Recovery Program (CHRP). The CHRP provides funding directly to agencies to hire law-enforcement officers in an effort to create and preserve nearly 5,000 jobs, while increasing the agencies' community policing capacity and crime-prevention efforts. Out of nearly 7,300 applications, CHRP grants were awarded to 1,046 law-enforcement agencies, including the City of Lodi. The total award was \$8.3 billion, of which Lodi is receiving \$1,430,676.

The City requested funding for six positions that were to remain unfilled in FY 2009/10 because of budgetary constraints. The grant funds the salary and allowable benefits of four officers at Step "A" pay scale for a period of three years. Reimbursement occurs quarterly.

Accepting the grant will benefit our community. There are now seven unfunded sworn positions. The four additional police officers will allow staff to increase downtown patrol, be more proactive in handling gang and narcotics issues, focus on repeat offenders, increase public outreach and education and promote Community Oriented Policing, and enhance existing efforts to address problematic areas.

This is a good environment to hire police personnel. Lodi expects to be able to hire experienced officers laid off from other agencies.

Accepting the grant also requires a commitment from the City to retain all CHRP officer positions with state and/or local funds for at least 12 months after the federal funding expires, over and above the number of locally funded positions.

APPROVED: _____
Blair King, City Manager

Authorize City Manager to Execute Agreement with U.S. Department of Justice Community Oriented Policing Services (COPS) to Accept the COPS Hiring Recovery Program Grant to Fund Four Entry-Level Police Officer Positions for Three Years (\$1,430,676)

September 16, 2009

Page Two

Other guidelines and restrictions include:

- Funds may not be reallocated to other purposes or refunded as a result of the grant award;
- City must take active and timely steps to fully fund law-enforcement costs already budgeted as well as fill all locally funded vacancies resulting from attrition during the life of the grant;
- Grant funds may not be used to replace state or local funds;
- Recipients may not reduce their sworn officer budget just to take advantage of the CHRP grant award;
- Any budget cuts must be for fiscal reasons unrelated to the receipt of the CHRP grant funds;
- Grant recipients may not reduce their locally-funded number of sworn officer positions during the three-year grant period as a direct result of receiving the CHRP funding to pay for additional officers;
- Reductions in locally-funded sworn officer positions that occur for reasons unrelated to the CHRP funding (such as citywide budget cuts), do not violate the supplanting requirement, but recipients must maintain documentation demonstrating the date(s) and reason(s) for the budget cuts to prove that they were unrelated to the receipt of CHRP grant funding in the event of an audit, monitoring site visit, or other form of grant compliance review.

FISCAL IMPACT: If the City accepts the grant it will incur some expense, based on the salary step the officers are hired at. The City would also be required to pay annual salary increases and benefits that are not covered by the grant. The cost estimate for the City would range between \$58,816 and \$87,964 for the three-year grant. In order to reduce the current level of funded sworn positions, the City must provide sound documentation that the reduction was unrelated to the grant funding.

<u>Cost Estimate based on Salary</u>	<u>Begin Step A</u>	<u>Begin Step C</u>
Year 1: 4 Officers' Salary and allowable benefits	\$0	\$24,286
Year 2: 4 Officers' Salary (step increase w/benefits)	\$23,130	\$25,502
Year 3: 4 Officers' Salary (step increase w/benefits)	\$24,286	\$26,776
Uniform Allowance, four-year total (not covered by grant)	<u>\$11,400</u>	<u>\$11,400</u>
Total Estimated cost to City for 3-year grant	\$58,816	\$87,964

Possible additional costs not allowable by grant and based on officer qualifications:

- Bachelor's Degree: \$150 per month
- Advanced POST Certificate: \$150 per month
- Bilingual: \$200 per month
- Tuition reimbursement: Up to \$2,500 annually

FUNDING AVAILABLE: Undesignated General Fund.

David Main
Chief of Police



U. S. Department of Justice
Community Oriented Policing Services
Grants Administration Division
COPS Hiring Recovery Program



Treasury Account Symbol (TAS) 15-09/10-0412

Grant #: 2009RKWX0151

ORI #: CA03902

Applicant Organization's Legal Name: Lodi, City of

OJP Vendor #: 946000361

DUNS#: 020004552

Law Enforcement Executive: Chief of Police David Main

Address: 215 West Elm Street

City, State, Zip Code: Lodi, CA 95240

Telephone: (209) 333-6725

Fax: (209) 333-6792

Government Executive: City Manager Blair King

Address: 211 West Pine Street

P.O. Box 3006

City, State, Zip Code: Lodi, CA 95241

Telephone: (209) 333-6700

Fax: (209) 333-6807

Award Start Date: 7/1/2009

Award End Date: 6/30/2012

Full Time Officers Funded: 4

New Hires: 4

Rehires - Pre-Application Layoffs: 0

Rehires - Post-Application Layoffs: 0

Award Amount: \$ 1,430,676.00

David Buchanan

Acting Director

JUL 15 2009
Date

By signing this Award Document, the grantee agrees to abide by all 16 Grant Terms and Conditions on the reverse side of this document and the attached pages:

Signature of Law Enforcement Official with the Authority to Accept this Grant Award

David Main, Chief of Police

09-16-09

Typed Name and Title of Law Enforcement Official

Date

Signature of Government Official with the Authority to Accept this Grant Award

Blair King, City Manager

09-16-09

Typed Name and Title of Government Official

Date

False statements or claims made in connection with COPS grants may result in fines, imprisonment, debarment from participating in federal grants or contracts, and/or any remedy available by law to the Federal Government.

Approved as to form:

Attest:

D. Stephen Schwabauer, City Attorney

Randi Johl, City Clerk

Award ID:
91983

U. S. Department of Justice
Office of Community Oriented Policing Services
COPS Hiring Recovery Program Grant Terms and Conditions

By signing the Award Document to accept this COPS Hiring Recovery Program (CHRP) grant, the grantee agrees to abide by the following grant terms and conditions:

1. The grantee agrees to comply with the terms and conditions in this COPS Hiring Recovery Program Grant Owner's Manual; COPS statute (42 U.S.C. §. 3796dd, et seq.); 28 C.F.R. Part 66 or 28 C.F.R. Part 70 as applicable (governing administrative requirements for grants and cooperative agreements); 2 C.F.R. Part 225 (OMB Circular A-87), 2 C.F.R. Part 220 (OMB Circular A-21), 2 C.F.R. Part 230 (OMB Circular A-122) and 48 C.F.R. Part 31.000 et seq. (FAR 31.2) as applicable (governing cost principles); OMB Circular A-133 (governing audits); American Recovery and Reinvestment Act (Recovery Act) of 2009, P.L.111-5; representations made in the COPS Hiring Recovery Program grant application; and all other applicable program requirements, laws, orders, regulations, or circulars.
2. The grantee agrees to comply with the Assurances and Certifications forms that were submitted as part of its COPS Hiring Recovery Program application.
3. The funding under this project is for the payment of approved full-time entry-level sworn officer salaries and fringe benefits over three years (for a total of 36 months of funding) for new or rehired additional, career law enforcement officer positions, hired on or after the award start date. The Financial Clearance Memorandum included in your award packet specifies the costs that the grantee is allowed to fund with your CHRP award. It will also describe any costs which have been disallowed after review of your proposed budget. The grantee may not use CHRP funds for anything not identified as allowable in the Financial Clearance Memorandum.
4. CHRP grant funds may not be used to replace state or local funds (or, for tribal grantees, Bureau of Indian Affairs funds) that would, in the absence of federal aid, be made available for hiring and/or rehiring full-time career law enforcement officer positions.
5. At the time of grant application, the grantee committed to retaining all CHRP officer positions awarded with state and/or local funds, for a minimum of 12 months at the conclusion of 36 months of federal funding for each position, over and above the number of locally-funded positions that would have existed in the absence of the grant. You cannot satisfy the retention requirement by using CHRP positions to fill vacancies from attrition.
6. The grantee may request an extension of the grant award period to receive additional time to implement the grant program. Such extensions *do not* provide additional funding. Only those grantees that can provide a reasonable justification for delays will be granted no-cost extensions. Reasonable justifications may include delays in hiring COPS-funded positions, officer turnover, or other circumstances that interrupt the 36-month grant funding period. An extension allows the grantee to compensate for such delays by providing additional time to complete the full 36 months of funding for each position awarded. Extension requests must be received prior to the end date of the award, as extension requests received after an award has expired will be approved only under very limited circumstances.
7. During the CHRP grant award period, it may become necessary for an agency to modify its CHRP grant award due to changes in an agency's fiscal or law enforcement situation. For instance, modification requests should be submitted to the COPS Office when an agency determines that it will need to shift officer positions awarded in one hiring category into a different hiring category or reduce the total number of positions awarded. Grant modifications under CHRP are evaluated on a case-by-case basis. All modification requests must be approved, in writing, by the COPS Office prior to their implementation. In addition, please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds.
8. The COPS Office may conduct monitoring or sponsor national evaluations of the COPS Hiring Recovery Program. The grantee agrees to cooperate with the monitors and evaluators.
9. To assist the COPS Office in the monitoring of your award, the grantee agrees to submit quarterly programmatic progress reports and quarterly financial reports in addition to any reports required by the Recovery Act. The grantee also agrees to submit all requested reports in a timely manner.
10. The COPS Office performs various functions to ensure compliance with all grant requirements, to assess the implementation of community policing in awarded jurisdictions, and to provide technical assistance to grantees. Grant monitoring activities are routine during the grant period and may occur up to three years following the official closure of the grant award. These functions, and others, often require the production of grant-related documentation and other materials. As a COPS CHRP grantee, you agree to cooperate with any such requests for information.
11. The grantee agrees to comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan (28 C.F.R. Part 42 subpart E). For assistance, grantees should consult the Office of Justice Programs, Office for Civil Rights website at www.ojp.usdoj.gov/about/ocr/eeop.htm.
12. The grantee agrees to complete and keep on file, as appropriate, a Bureau of Citizenship and Immigration Services Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States.
13. All newly hired, additional officers (or an equal number of redeployed veteran officers) funded under CHRP must engage in community policing activities. Community policing activities to be initiated or enhanced by the grantee were identified and described in your CHRP grant application, with reference to each of the following elements of community policing: a) community

U. S. Department of Justice
Office of Community Oriented Policing Services
COPS Hiring Recovery Program Grant Terms and Conditions

partnerships and support; b) related governmental and community initiatives that complement the grantee's proposed use of CHRP funding; and c) how the grantee will use the funds to reorient its mission or enhance its commitment to community policing.

14. Grantees that provide law enforcement services to another jurisdiction through a contract must ensure that officers funded under this CHRP grant do not service the other jurisdiction, but will only be involved in activities or perform services that exclusively benefit the grantee's own jurisdiction. Grantees cannot use CHRP funds to pay for a contract to receive law enforcement services from another agency.
15. False statements or claims made in connection with COPS grants may result in fines, imprisonment, or debarment from participating in federal grants or contracts, and/or any other remedy available by law.
16. The grantee understands that the COPS Hiring Recovery Program is funded through the American Recovery and Reinvestment Act (Recovery Act) of 2009 and agrees to comply with the extensive accountability and transparency requirements on the use of Recovery Act funds:

(A) Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients

(1) To maximize the transparency and accountability of funds authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (Recovery Act) as required by Congress and in accordance with 28 C.F.R. 70 "Uniform Administrative Requirements for Grants and Agreements for Institutions of Higher Education, Hospitals and Other Non-Profit Organizations" and 28 C.F.R. 66 "Uniform Administrative Requirements for Grants and Agreements for State and Local Governments," the recipient agrees to maintain records that identify adequately the source and application of Recovery Act funds.

(2) For a recipient covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," the recipient agrees to separately identify the expenditures for federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. This shall be accomplished by identifying expenditures for federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(3) The recipient agrees to separately identify to each sub-recipient (if any) and document at the time of sub-award and at the time of disbursement of funds, the federal award number, CFDA number, and amount of Recovery Act funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to sub-recipients shall distinguish the sub-awards of incremental Recovery Act funds from regular sub-awards under the existing program.

(4) The recipient agrees to require their sub-recipients (if any) to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor sub-recipient expenditure of Recovery Act funds as well as oversight by the Department of Justice, Office of the Inspector General and Government Accountability Office.

(B) Recipient Reports and Central Contractor Registration

(1) The recipient agrees to complete projects or activities which are funded under the Recovery Act and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(2) The reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act.

(3) The recipient and their first-tier recipients (if any) must maintain current registrations in the Central Contractor Registration (www.ccr.gov) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (www.dnb.com) is one of the requirements for registration in the Central Contractor Registration.

(4) The recipient shall report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at www.FederalReporting.gov and ensure that any information that is pre-filled is corrected or updated as needed.

(C) Data Elements of Recipient Reports

In accordance with section 1512(c) of the Recovery Act, the recipient agrees that not later than 10 days after the end of each calendar quarter, each recipient that received Recovery Act funds from a federal agency shall submit a report to that agency that contains —

- (1) the total amount of recovery funds received from that agency;
- (2) the amount of recovery funds received that were expended or obligated to projects or activities; and
- (3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including —
 - (a) the name of the project or activity;
 - (b) a description of the project or activity;

U. S. Department of Justice
Office of Community Oriented Policing Services
COPS Hiring Recovery Program Grant Terms and Conditions

- (c) an evaluation of the completion status of the project or activity;
- (d) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
- (e) for infrastructure investments made by state and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.

(4) Detailed information on subcontracts or subgrants (if any) awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

These reports are in addition to other financial and programmatic reports required by the COPS Office.

(D) Access to Records and Interviews

The recipient agrees that the Department of Justice (DOJ) and its representatives (including COPS and the Office of the Inspector General (OIG)) and the Government Accountability Office (GAO) shall have access to and the right to examine all records (including, but not limited to, books, papers, and documents) related to this Recovery Act award. The recipient also agrees that DOJ and the GAO are authorized to interview any officer or employee of the recipient regarding transactions related to this Recovery Act award.

(E) Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The recipient agrees to promptly refer to the Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Recovery Act funds. The OIG may be contacted at OIG.hotline@usdoj.gov, www.usdoj.gov/oig/FOIA/hotline.htm, and 800.869.4499.

(F) Protecting State and Local Government and Contractor Whistleblowers

The recipient agrees that the Recovery Act provides certain protections against reprisals for employees of non-federal employers (state and local governments or private contractors) who disclose information to federal officials reasonably believed to be evidence of gross management, gross waste, substantial and specific danger to public health or safety, abuse of authority, or violations of law related to contracts or grants using Recovery Act funds.

(G) Separate Tracking and Reporting of Recovery Act Funds and Outcomes

The recipient agrees to maintain accounting systems and records that adequately track, account for, and report on all funds from this Recovery Act award (including officers hired, salaries and fringe benefits paid, and the number of jobs created and jobs preserved) separately from all other funds (including other COPS and federal grants awarded for the same or similar purposes).

(H) Additional Requirements and Guidance

The recipient agrees to comply with any modifications or additional requirements that may be imposed by law and future COPS (including government-wide) guidance and clarifications of Recovery Act requirements.



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Consider Adjusting Purchase Price by \$32,151.01 of the \$355,000 Paid for 217 East Lockeford Street by the Eagles Hall.

MEETING DATE: September 16, 2009 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Consider Adjusting Purchase Price by \$32,151.01 of the \$355,000 Paid for 217 East Lockeford Street by the Eagles Hall.

BACKGROUND INFORMATION: When the City acquired 217 East Lockeford Street, located on the property was a boarding house that later burned. The City cleared the lot but left some of the charred debris and brick on site. Neil Andersen confirmed the soil needed replacement to support a foundation. Total costs were \$32,151.01. Had City management staff been aware of the materials the City left on site we would have discounted the appraised price. As such, it is appropriate to do so now.

FISCAL IMPACT: Sales revenue offset by additional demolition expense, net revenue \$322,849.

FUNDING AVAILABLE: Proceeds of sale.

Stephen Schwabauer
City Attorney

Approved:

Jordan Ayers, Deputy City Manager/
Internal Services Director

APPROVED: _____
Blair King, City Manager

Eagles Site Contamination Cleanup Project
217 E Lockeford St

<u>Vendor</u>	<u>Service</u>	<u>Amount</u>	<u>Paid</u>	<u>Comments</u>
Neil O.Anderson	Geotechnical Services	\$2,800.00	Yes	Reimburse Lodi Eagles
Delta Buildings Inc.	Site Contamination Costs	\$1,495.00	Yes	Reimburse Lodi Eagles
Grayson Engineering	Excavation Work	\$21,194.01		
Neil O.Anderson	Engineering Site Observation	\$1,080.00		
Neil O.Anderson	AC/Soil Inspection - Reports	<u>\$1,162.00</u>		
	Total	\$27,731.01		

Geotechnical Consulting Services Agreement

PARTIES

This Agreement between:

Lodi Eagles Hall, Aerie #848
320 N. Washington Street
Lodi, CA 95240
Hereinafter called "**Client**"

Neil O. Anderson & Associates, Inc.
902 Industrial Way
Lodi, CA 95240
Hereinafter called "**NOA**"
FEIN#: 680251001

PROJECT

Client engages **NOA** to provide services for the project generally described as:
Lodi Eagles Hall

SCOPE OF SERVICES

NOA agrees to perform services as follows:

Geotechnical consulting projects per the attached proposal dated: July 28, 2009

Any additional services requested will be invoiced in accordance with **NOA's** then-current schedule of fees. **NOA** is not responsible for scheduling or methods employed by the **Client's** separate contractors, **Clients**, agents, and other representatives. Accordingly, the **Client** will be responsible for any additional fees invoiced to the **Client** by **NOA** as a result of unforeseen delays in work progress or retesting resulting from the inability of the **Client's** separate contractors, **Clients**, agents, and other representatives to produce a work product in conformance with the project plans and specifications.

COMPENSATION

Payment will be due upon receipt of **NOA's** reports and related invoices. In the event that an invoice remains unpaid after 30 days from date of invoice, interest will begin to accrue from the date of the invoice at the rate of 1-1/2% per month.

*The parties have read and understand completely the Terms and Conditions attached to this document which are incorporated herein as part of this Agreement and willingly enter into this Agreement which shall become effective on the date signed by the **Client** below.*

"**Client**" Lodi Eagles Hall, Aerie #848

Todd Hausauer
Signature of Authorized Representative

TODD HAUSAUER
Name (Typed or written)

TRUSTEE

Title

8/3/09

Date

"**NOA**" Neil O. Anderson & Associates, Inc.

Troy M. Schless, PE 71404
Authorized Representative

Please be aware that by signing this agreement you acknowledge that:

- **NOA does not third-party bill.**
- **All services arranged by you on behalf of someone else will be billed directly to you**

LODI AERIE 848 FRATERNAL ORDER
OF EAGLES

320 N. WASHINGTON ST.
LODI, CA 95240

1012

DATE 8-6-09

90-4181/1211
1056

AY
O THE
RDER OF Neal Anderson and Associates

\$ 2800.00

Two Thousand Eight Hundred AND NO

DOLLARS

 Security
Features
Details on
Back.



UMPQUA
S · A · N · K

1-866-4UMPQUA
(1-866-486-7782)

Leeanna DePina
Ronald E. Stuffer
[Signature]

MP

IR _____



151 W. Taddei Rd.
Acampo, CA 95220

Lic. # 390070
Ph. (209) 334-0513
Fax (209) 334-9916
E-mail: deltabuildings@gmail.com

August 18, 2009

Lodi Eagles Aerie #848
320 N. Washington Street
Lodi, CA 95240

Subject: Site Work Contamination Cost

INVOICE

Site work contamination cost for grade layout and exploring excavation, mobilization, regrade for test holes (Neil Anderson) and meetings.

Delta's cost is \$ 1,495.00

Please remit payment to above address.
Any questions, please call the office.
Thanks,

Kim Dietz
Office Manager

*Paid 9/4/09
Lodi Eagles Para
check # 1015*



GRAYSON
ENGINEERING
GENERAL ENGINEERING CONTRACTOR

Invoice

Date: 8/19/2009
Invoice No: 71701F89

Bill To:

Eagles Aeire 848
PO Box 2575
Lodi, CA 95241

Project Information:

Eagles Hall
217 E. Lockeford Street
Lodi, CA

Item	Description	Price	% Complete	Amount
	Friday, August 14, 2009			8,592.25
	Monday, August 17, 2009			6,112.13
	Tuesday, August 18, 2009			4,365.50
	Wednesday, August 19, 2009			2,124.13
	***See attached daily work description			
Total Amount				21,194.01
Less Previous Billings				
Amount of this Invoice				
Less Retention this Invoice				
Total Invoice Now Due				\$21,194.01

Please pay from this invoice
Invoices are subject to late payment charge of 1.5% per month after 30 days from invoice date.

PO BOX 2672 LODI, CA 95242-2756

PHONE (209) 368-5440 FAX (209) 368-7704



**GRAYSON
ENGINEERING**

/ GENERAL ENGINEERING CONTRACTOR

DAILY WORK DESCRIPTION

Friday, August 14, 2009

1. Met Troy from Neil Anderson office at 7am
2. Started excavating on South East end of building pad by Troy Scheisse.
3. Removed brick footings and debris and stockpiled.
4. Located what looked to be a basement, over excavated down to approx. 7' deep.
5. East side of pad was clean to approx. 2.5' – 3' stockpiled clean dirt.
6. Afternoon lined up trucks to start off haul – Vaz hauled off 20 loads.
7. Gene Landes Trucking off hauled 2 end dump loads

Monday , August 17, 2009

1. Compacted bottom of old basement. George from Anderson's office took tests on bottom . All passed. He watched and tested all the way to the top. All passes.
2. Moisture conditioned dirt and compacted clean stockpiled dirt into basement and balance of pad. All tests passed.
3. Lined up fill material with Jeff Dean at AM Stephens.

Tuesday, August 18, 2009

1. Compacted pad subgrade approx. el. 50.10.
2. Started placing import fill.
3. Found pipe on North end of pad, dug up didn't find anything. Back filled.
4. Had Shaun pick up skid steer with broom to sweep roadway and lot.
5. AM Stephens supplied fill for City of Lodi 52 Mega dump loads approx. 500 c.y.

Wednesday, August 19, 2009

1. Finished fine grading pad.
2. Loaded out stockpiled dirt. Trucking by others – No charge for loader use.
3. Cleaned up site, moved out equipment.

Neil O. Anderson & Associates
902 Industrial Way
Lodi, CA 95240



GEOTECHNICAL
ENVIRONMENTAL
INSPECTIONS & TESTING
LABORATORY SERVICES
POOL ENGINEERING
POST TENSION DESIGN

INVOICE

Todd Hausauer
Lodi Eagles Hall, Aerie #848
PO Box 2575
Lodi CA 95240

Invoice #: BILL0009531
Invoice Date: 8/17/2009
Project Number: LTI090668
Project Name: Lodi Eagles Hall
217 E. Lockeford Street
Lodi CA 95240

Customer ID: LOD16150
Purchase Order:

Project Manager: Troy Schiess

Date	Item	Qty	Rate	Amount
Professional Services				
<u>8/14/2009</u>	Engineering Site Obs TI Three trips to site to observe on-going over-excavation of site P/u soil sample from Steavenson Park for lab testing.	8.00	\$135.00	\$1,080.00
				----- \$1,080.00
				===== \$1,080.00

After 30 days a finance charge will be due
at the rate of 1.5% per month.

TAX ID: #68-0251001
CONTACT INFORMATION: PHONE (209)367-3701
EMAIL billing@noanderson.com

BILLING LINE AMOUNT:	\$1,080.00
PREPAYMENT AMOUNT:	\$0.00
TOTAL:	\$1,080.00
CASH:	\$0.00
CHECK:	\$0.00
CREDIT CARD:	\$0.00
TERMS DISC TAKEN:	\$0.00
TOTAL DUE THIS INVOICE:	\$1,080.00
OUTSTANDING CUSTOMER BALANCE:	\$0.00

Neil O. Anderson & Associates
902 Industrial Way
Lodi, CA 95240



GEOTECHNICAL
ENVIRONMENTAL
INSPECTIONS & TESTING
LABORATORY SERVICES
POOL ENGINEERING
POST TENSION DESIGN

INVOICE

Todd Hausauer
Lodi Eagles Hall, Aerie #848
PO Box 2575
Lodi CA 95240

Invoice #: BILL0009788
Invoice Date: 8/31/2009
Project Number: LTI090668
Project Name: Lodi Eagles Hall
217 E. Lockeford Street
Lodi CA 95240

Customer ID: LOD16150
Purchase Order:

Project Manager: Troy Schiess

Date	Item	Qty	Rate	Amount
Professional Services				
8/17/2009	AC/Soil Inspector w/ Nuc Gauge	4.00	\$80.00	\$320.00
8/17/2009	Proctor Mod Effort 4 in D1557 2 proctors	2.00	\$205.00	\$410.00
8/17/2009	Report Production	1.00	\$50.00	\$50.00
8/17/2009	Trip Charge	1.00	\$6.00	\$6.00
8/18/2009	AC/Soil Inspector w/ Nuc Gauge 2 visits to jobsite	4.00	\$80.00	\$320.00
8/18/2009	Report Production	1.00	\$50.00	\$50.00
8/18/2009	Trip Charge	1.00	\$6.00	\$6.00

\$1,162.00

=====
\$1,162.00

After 30 days a finance charge will be due
at the rate of 1.5% per month.

TAX ID: #68-0251001
CONTACT INFORMATION: PHONE (209)367-3701
EMAIL billing@noanderson.com

BILLING LINE AMOUNT:	\$1,162.00
PREPAYMENT AMOUNT:	\$0.00
TOTAL:	\$1,162.00
CASH:	\$0.00
CHECK:	\$0.00
CREDIT CARD:	\$0.00
TERMS DISC TAKEN:	\$0.00
TOTAL DUE THIS INVOICE:	\$1,162.00
OUTSTANDING CUSTOMER BALANCE:	\$0.00

P.O. BOX 1867
LODI, CA 95241



PHONE: (209) 333-0136
FAX (209) 333-0993

INVOICE NO. 5475

City of Lodi
Attn: Schwabauer
P.O. Box 3006
Lodi, California 95241

AUG 26 2009

CITY ATTORNEYS OFFICE

DATE 20-Aug-09

PURCHASE
ORDER NO.

TERMS: PAYABLE 10th FOLLOWING MONTH

217 EAST LOCKEFORD STREET, Lodi, California

<u>DATE</u>	<u>UNIT</u>	<u>DESCRIPTION</u>		<u>RATE</u>		<u>TOTAL</u>	<u>DAILY TOTAL</u>
08/18/09	52.00 LDS	Fill Dirt	@ \$	85.00	LD	\$4,420.00	\$4,420.00
TOTAL AMOUNT DUE:							\$4,420.00



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set the Public Hearing for October 7, 2009, to Consider the Reallocation of Available Urban County Community Development Block Grant and HOME Program Funding

MEETING DATE: September 16, 2009

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Set the Public Hearing for October 7, 2009, to consider the reallocation of available Community Development Block Grant (CDBG) and HOME Program funding.

BACKGROUND INFORMATION: This Public Hearing was originally set for September 16, 2009. However, the Lodi News-Sentinel failed to publish the required Notice of Public Hearing and there is not sufficient time to advertise for that date, so the Public Hearing must be reset.

The City of Lodi separated from the Urban County and now receives Federal CDBG Program funds directly from the U.S. Department of Housing and Urban Development (HUD), there is a balance of both CDBG and HOME Program funds through previous Urban County allocations that need to be spent. As those projects and activities funded through the Urban County are completed, the balance of unused and available funding will need to be reallocated to projects that can use the funds by June 30, 2010. To this point, the following funding balances have been identified as available for reallocation to eligible projects.

CDBG Program

Project LOD 08-03	Elm Street Demolition Project	\$53,859.09
Project LOD 08-11	Graffiti Abatement – Public Prop	\$22,858.64
Project LOD 08-12	Graffiti Abatement – Private Prop	\$52,500.00
Project LOD 08-19	Elm Street Handicap Ramps	\$23,524.00

HOME Program

Housing Rehab Loan Program	\$230,666.64
----------------------------	--------------

Staff is considering a number of eligible projects for funding. Details of those projects and subsequent recommendations will be included in the staff report for the Public Hearing on October 7, 2009.

FISCAL IMPACT: None

FUNDING AVAILABLE: Urban County CDBG Program Funding

Konradt Bartlam
Community Development Director

KB/jw

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for October 21, 2009, to Consider Service and Route Modifications Due to State Budget Cuts for Local Transit Services

MEETING DATE: September 16, 2009

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Set a public hearing for October 21, 2009, to consider service and route modifications due to State budget cuts to local transit services.

BACKGROUND INFORMATION: As a result of recent actions related to adoption of the California State Budget, San Joaquin County Council of Governments staff have instructed local transit operators to reduce their Fiscal Year 09/10 Transportation Development Act (TDA) revenue estimates by 20 percent. Federal revenue levels will remain the same as in the previous fiscal year. For Fiscal Year 08/09, GrapeLine transit fare revenues declined, as did Dial-A-Ride/VineLine ridership. However, annual operating costs have increased.

At the public hearing, City staff will review options and cost savings for alternative service reductions. Also, route modifications for Express Route 1 will be presented that will better match service to ridership.

Resulting service modifications would become effective November 1, 2009.

FISCAL IMPACT: Not required at this time.

FUNDING AVAILABLE: Not required at this time.

F. Wally Sandelin
Public Works Director

Prepared by Paula J. Fernandez, Transportation Manager/Senior Traffic Engineer

FWS/PJF/pmf

APPROVED: _____
Blair King, City Manager

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Monthly Protocol Account Report

MEETING DATE: September 16, 2009

PREPARED BY: City Clerk

RECOMMENDED ACTION: None required, information only.

BACKGROUND INFORMATION: The City Council, at its meeting of July 19, 2000, adopted Resolution No. 2000-126 approving a policy relating to the City's "Protocol Account." As a part of this policy, it was directed that a monthly itemized report of the "Protocol Account" be provided to the City Council.

Attached please find the cumulative report through August 31, 2009.

FISCAL IMPACT: N/A

FUNDING AVAILABLE: See attached.

Randi Johl
City Clerk

RJ/JMR

Attachment

APPROVED: _____
Blair King, City Manager

Cumulative Report through August 31, 2009

Prepared by: JMR



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code, Title 16 "Subdivisions", Chapter 12 "Parcel Maps" and Chapter 16 "Final Maps"

MEETING DATE: September 16, 2009

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Introduce an ordinance amending Lodi Municipal Code, Title 16 "Subdivisions", Chapter 12 "Parcel Maps" and Chapter 16 "Final Maps."

BACKGROUND INFORMATION: The City Council, at its meeting on December 17, 2008, authorized the City Manager to execute a professional services agreement with Premier Engineering and Land Surveying, Inc., of Turlock, for the planning and implementation of a horizontal control grid for the City.

The purpose of this control grid project is to establish a surveyed horizontal grid of control points as the basis for future recorded maps and plats. The grid will primarily serve the newly annexed areas of the City that are expected to develop in the future. The grid is located throughout the City of Lodi and adjacent areas, with a concentration on the outlying areas where future expansion is expected. This project included the setting of approximately 24 control point monuments of First Order accuracy, which is the highest level of accuracy in surveying for measuring distances.

Premier Engineering and Land Surveying, Inc., has completed the field work on this project, and a Record of Survey map has been filed with the County Surveyor. The introduction of this ordinance (see attached) is necessary to amend the Municipal Code so that future developments will be required to tie all maps and plats into the City's control grid network.

FISCAL IMPACT: There will be a slight increase in cost for maintenance of permanent survey monuments.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer, and Mark Chamberlain, Senior Engineering Technician – Survey
FWS/WKF/pmf
Attachment

APPROVED: _____
Blair King, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE TITLE 16
"SUBDIVISIONS" BY ADDING NEW SECTIONS
16.12.040 AND 16.16.030 "MONUMENTS"

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 16.12 – "Parcel Maps" is hereby amended by adding a new Section 16.12.040 "Monuments" to read as follows:

16.12.040 Monuments

Whenever, the City established GPS Network Grid is within a reasonable distance to the parcel map boundary, as determined by the City Engineer, the field survey shall reference at least two control monuments. The control monuments shall be used to establish the basis of bearing and ties to those monuments and shall be shown on the final map.

SECTION 2. Lodi Municipal Code Chapter 16.16 – "Final Maps" is hereby amended by adding a new Section 16.16.030 "Monuments" to read as follows:

16.16.030 Monuments

Whenever, the City established GPS Network Grid is within a reasonable distance to the parcel map boundary, as determined by the City Engineer, the field survey shall reference at least two control monuments. The control monuments shall be used to establish the basis of bearing and ties to those monuments and shall be shown on the final map.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

Approved this ____ day of _____, 2009

LARRY D. HANSEN
Mayor

ATTEST:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held September 16, 2009, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2009, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

APPROVED TO FORM:

D. STEPHEN SCHWABAUER
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Approving Grape Bowl Facility Renovation and/or Maintenance Fee Policy

MEETING DATE: September 16, 2009

PREPARED BY: Interim Parks and Recreation Director

RECOMMENDED ACTION: Adopt resolution approving the Grape Bowl facility renovation and/or maintenance fee policy.

BACKGROUND INFORMATION: To continue generating funds for the renovation and maintenance of the Grape Bowl, staff is recommending the City Council adopt a \$1 facility renovation ticket fee.

Attaching an additional charge to a ticket is a common industry mechanism to generate revenue for maintenance and renovation needs in the absence of any specific revenue streams. The charge is often applied to tickets sold in new facilities, not just ones with deferred maintenance issues such as the Grape Bowl.

For the Grape Bowl, the proposed \$1 facility fee will be used primarily for upgrades required to meet accessibility standards and deferred maintenance issues; and secondarily, to bring the service infrastructure, such as restrooms and concessions stands, to modern standards. Currently there is no funding allotted to the department for deferred maintenance or renovation of facilities. More than \$320,000 was expended recently to enhance the facility's accessibility. No other funds, however, have been identified to continue the renovation process.

Facility fee revenue will be deposited by the Recreation Department – an enterprise fund within the City's budget structure – into a new trust account. The proceeds will be spent on an as-needed basis for projects within the facility consistent with the City's appropriations practices.

The policy establishes a clear delineation between ticketed and non-ticketed events, and defines certain levels of access for our users. For instance, the fee will not be charged to CIF league football games due to the fact that the CIF has capped ticket prices for schools for all league games. The policy defines terms of the facility and ticketing functions, types of events subject to the fee, method of collection, and the current or potential future fee amount.

Examples of other facilities charging a fee are Stockton Arena and ARCO Arena, which charge a \$1.75 facility fee, the Sacramento Community Center Theatre (\$3), and the Gallo Center for the Performing Arts in Modesto (\$1).

APPROVED: _____
Blair King, City Manager

The proposed policy is as follows:

Facility Renovation Fee:

A. Definition of Terms:

1. Facility Charge:
A surcharge attached to ticketed events held in a specific facility for the purpose of funding construction, renovation, or improvements to that facility. Funds collected through charge will be deposited into an account designated for that facility.
2. Ticket Sold:
For the purpose of this document, a ticket is considered sold anytime admission is granted to an individual who has paid an admission fee to a box office or event sponsor regardless of whether or not a physical ticket has been issued.
 - i. A ticket marked complimentary is considered sold if it has been given out to someone who has paid a field trip or participation fee or charge.
 - ii. A receipt for payment for admission is considered to be the equivalent of the number of tickets which would be required to provide individual tickets to the number of persons being admitted by the receipt.

B. Events Effected:

1. This policy applies to any ticketed event held at the Grape Bowl Stadium, 221 Lawrence Street.
 - i. Lodi Unified School District CIF league football games are exempt from this policy.
 - ii. Complimentary tickets will be exempt with the exception on any ticket labeled complimentary that may have been sold as a group ticket or special promotion. In these instances, the event sponsor will be assessed a facility fee equal to the number of seats occupied times the amount of the current facility charge. The facility charge will be collected from the event sponsor at settlement.

C. Method of Collection:

The Facility Charge will be collected by one of two means.

1. The facility charge will be added as a surcharge to the ticket price and collected from the ticket buyer at the time of sale.
2. Consigned Tickets: Tickets pre-pulled from the system to be sold by the sponsoring organizations will have the surcharge added to the ticket price and collected by the sponsoring organization at time of sale.

D. Amount of Facility Fee Charge:

1. For Fiscal Years 2009/10 and 2010/11, the facility charge is set at \$1.00 per ticket sold as defined above.
2. Beginning July 1, 2011, the amount of the facility charge may be periodically adjusted to accommodate the construction, maintenance, repair or renovation needs of the facility, but can not be increased greater than 50 percent from the previous fiscal year.

FISCAL IMPACT:

Unknown at this time, but revenue will relieve traditional sources of City capital improvement funds and could be used as matching funds for grants. Facility improvements paid with ticket fee revenue will allow the Grape Bowl to better serve the community, increasing its use.

James M. Rodems
Community Center Director

RESOLUTION NO. 2009-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING GRAPE BOWL FACILITY
RENOVATION AND/OR MAINTENANCE FEE
POLICY

=====

WHEREAS, the Grape Bowl is nearly 70 years old and in need of repairs and renovations; and

WHEREAS, the City of Lodi has no identified revenue stream to support the improvements needed; and

WHEREAS, attaching a facility fee to tickets purchased is a common practice by facility owners to generate funds needed to support the maintenance and repairs of multi-use facilities; and

WHEREAS, staff recommends charging or attaching a \$1.00 fee to any tickets sold for the utilization of the Grape Bowl for facility improvements and/or maintenance; and

WHEREAS, the facility fee collected at the Grape Bowl will be used only for improvements to the facility.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Grape Bowl Facility Renovation and/or Maintenance Fee Policy and hereby establishes a \$1.00 fee consistent with the Policy, as shown on Exhibit A attached.

Date: September 16, 2009

=====

I hereby certify that Resolution No. 2009-_____ was passed and adopted by the Lodi City Council in a regular meeting held September 16, 2009, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2009-_____

**GRAPE BOWL FACILITY RENOVATION
AND/OR MAINTENANCE FEE POLICY**

Facility Renovation Fee:**A. Definition of Terms:**

1. Facility Charge:
A surcharge attached to ticketed events held in a specific facility for the purpose of funding construction, renovation, or improvements to that facility. Funds collected through charge will be deposited into an account designated for that facility.
2. Ticket Sold:
For the purpose of this document, a ticket is considered sold anytime admission is granted to an individual who has paid an admission fee to a box office or event sponsor regardless of whether or not a physical ticket has been issued.
 - i. A ticket marked complimentary is considered sold if it has been given out to someone who has paid a field trip or participation fee or charge.
 - ii. A receipt for payment for admission is considered to be the equivalent of the number of tickets which would be required to provide individual tickets to the number of persons being admitted by the receipt.

B. Events Effected:

1. This policy applies to any ticketed event held at the Grape Bowl Stadium, 221 Lawrence Street.
 - i. Lodi Unified School District CIF league football games are exempt from this policy.
 - ii. Complimentary tickets will be exempt with the exception on any ticket labeled complimentary that may have been sold as a group ticket or special promotion. In these instances, the event sponsor will be assessed a facility fee equal to the number of seats occupied times the amount of the current facility charge. The facility charge will be collected from the event sponsor at settlement.

C. Method of Collection:

The Facility Charge will be collected by one of two means.

1. The facility charge will be added as a surcharge to the ticket price and collected from the ticket buyer at the time of sale.
2. Consigned Tickets: Tickets pre-pulled from the system to be sold by the sponsoring organizations will have the surcharge added to the ticket price and collected by the sponsoring organization at time of sale.

D. Amount of Facility Fee Charge:

1. For Fiscal Years 2009/10 and 2010/11, the facility charge is set at \$1.00 per ticket sold as defined above.
2. Beginning July 1, 2011, the amount of the facility charge may be periodically adjusted to accommodate the construction, maintenance, repair or renovation needs of the facility, but cannot be increased greater than 50 percent from the previous fiscal year.



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Status Report Regarding Energy Efficiency and Conservation Block Grant Funded Projects (EUD)

MEETING DATE: September 16, 2009

PREPARED BY: Interim Electric Utility Director

RECOMMENDED ACTION: Receive a status report regarding the application for energy efficiency and conservation block grant funded projects.

BACKGROUND INFORMATION: By the end of September 2009, the City expects to receive \$586,000 in federal stimulus funds for 10 energy efficiency projects that the City Council approved on June 3, 2009.

The projects directly benefit Lodi residents, small businesses and public facilities with a rapid return on investment. These energy-efficient programs will result in annual savings of more than 2.4 million kilowatt-hours of electricity, a retail value of more than \$360,000, plus savings in fuel and labor. In addition, the energy-efficiency measures have the potential to increase rental revenue from more attractive recreation facilities.

The grants are expected to provide \$188,000 for recreation facilities, \$200,000 for computer upgrades, and \$198,000 to supplement the Lodi Electric Utility's Public Benefits program. The projects are as follows:

- **Lodi Grape Bowl Lighting Retrofit (\$100,000)** – Foot-candle field illumination at the Grape Bowl currently is 20, the minimum recommended for high school football. The replacement lights and fixtures not only will use fewer watts, but will result in 50 foot-candles on the field, or enough lighting for college football, according to standards established by the Illuminating Engineering Society of North America. At current use levels, the lights will save about 41,000 kWh a year. The additional lighting is expected to increase field use and rental revenue.
- **Kofu Park Community Building Energy Efficiency Project (\$20,000)** – This project will save about 4,000 kWh per year and make the building more attractive for rental use through the installation of a high-efficiency HVAC unit, installation of dual-paned windows, installation of door sweeps/weather-stripping, and the installation of R-38 attic insulation.
- **Solar-Powered Trash Compaction Pilot Project (\$53,000)** – This unique and innovative pilot project involves the purchase and installation of 20 solar-powered trash compacting garbage cans to install in City parks, Downtown, and other heavily used areas. Benefits are several. Less-frequent trash collections will save an estimated 600 gallons of fuel and labor costs, as well as keep parks cleaner with less trash spilling from overstuffed cans, especially on holiday weekends.

APPROVED: _____
Blair King, City Manager

- **Community Center Energy Management System Retrofit (\$15,000)** – This new energy management system software package will replace the now-defunct management system. The software will allow Community Center employees to operate the facility's HVAC system more efficiently, and adjust it as needed from a remote location. Energy savings are estimated at 28,000 kWh annually.
- **Lodi Computer Server Energy Efficiency Project (\$200,000)** – Computer server rooms reach a temperature of 100 degrees within an hour without constant air conditioning. Not only will this project replace 25 computer servers with eight to 10 high-efficiency computer servers, resulting in fewer plugs in outlets, but it will require far less around-the-clock cooling for an estimated annual savings of 175,000 kWh.
- **Lodi Keep Your Cool (\$25,000)** – Involves the installation of new refrigeration door gaskets at restaurants, mini-markets, small grocery stores, beverage stores, doughnut shops, etc. The \$25,000 doubles the Electric Utility's current Keep Your Cool allocation. In this program, a contractor visits Lodi businesses to inform them of the program and, if the business agrees, the contractor installs the energy-efficient door gaskets with payment from the utility. Thirteen recently completed projects will save approximately 270,000 kWh of electricity each year, and the additional funds are expected to save a similar amount of energy.
- **Lodi Lodging Energy Efficiency Pilot Project (\$48,000)** – Replacing incandescent bulbs with fluorescent lighting, rebates for HVAC improvements and installing controls that automatically turn off air conditioning in vacant rooms is the aim of this program targeting hotels and motels in Lodi. Energy savings are unknown at this time and depend on the programs chosen by lodging owners.
- **Lodi Low-Income Customer Refrigerator Replacement Program (\$50,000)** – Involves the removal of aging, inefficient refrigerators from the homes of low-income customers, and replacing those refrigerators with new, high efficiency refrigerators; Currently \$70,000 is budgeted within the utility's Public Benefits fund for this program, administered by San Joaquin County. These federal stimulus funds add another \$50,000 to the refrigerator replacement project. The additional funds will pay for a new refrigerator as well as the cost of hauling off and recycling the aging one. New refrigerators will save 300 to 400 kilowatt hours a year, for a savings of up to 25,000 kWh annually.
- **Lodi Cool the Earth Educational Pilot Project (\$25,000)** – This is an educational/outreach pilot program designed for students in grades K-6 at Lodi school sites. This interactive and engaging program teaches students about energy/water conservation, renewable energy and sustainable living practices. About 15 school sites can participate in the program based on the grant, with Cool the Earth estimating a savings of 150,000 kWh in the homes of each school's students.
- **Lodi Energy Efficient Home Improvement Rebate Program (\$50,000)** – This enhances an existing program within the utility. The requested federal funds will be used to enhance rebates to Lodi residential customers who pursue specific energy conservation measures, including upgrading attic/wall insulation, installing whole house and/or attic fans, installing radiant barriers/thermal shield roofing materials, installing shade screens/window tinting, and/or installing a high-efficiency central air conditioner and repairing/replacing air ducts. Savings will depend on customer demand.

Once the City's application receives final approval, the City should be able to draw funds electronically. At that point, the City Council will be asked to appropriate funds consistent with the City's procurement rules.

FISCAL IMPACT: The City of Lodi will receive \$586,000 to implement and complete these energy efficiency and conservation projects. Over time, the City, its residents and businesses will reap the benefit of reduced energy costs, as well as maintenance and operational costs.

FUNDING: The various projects outlined in this staff report will be funded via the American Recovery and Reinvestment Act of 2009 (the federal economic stimulus bill). In addition, \$315,000 in funding will be provided to either complete or supplement the list of 10 projects listed above from City of Lodi accounts (Lodi Public Benefits Program fund and Parks & Recreation). These local or matching funds have been budgeted as part of the City's FY 2009/10 budget.

Jordan Ayers
Deputy City Manager/Internal Services Director

Ken Weisel
Interim Electric Utility Director

PREPARED BY: Rob Lechner, Manager, Customer Service & Programs

KAW/RSL/lst



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Consider Resolution Opposing Development of a Peripheral Canal and Expansion of State Authority over Local Land-Use Decisions

MEETING DATE: September 16, 2009

PREPARED BY: City Manager

RECOMMENDED ACTION: Consider a resolution opposing the development of a Peripheral Canal or any other isolated water conveyance facility in the Delta and the expansion of State authority over local land-use decisions.

BACKGROUND INFORMATION: At the request of Mayor Hansen, this item is provided to the City Council for action.

Several committees created by Governor Schwarzenegger since 2006 have concluded that a Peripheral Canal, similar to the one rejected by California voters in 1982, may be a long-term solution to the state's water problems. Although such a canal may be beneficial to Southern California and other regions that lack sufficient water supplies, it could have serious consequences for Lodi and other San Joaquin County communities. A canal would alter the Delta's hydrology, affect the treatment and discharge of wastewater by Lodi and other communities, impair local road systems, create significant new flood dangers to City and Northern California Power Agency property at White Slough, and impair the Delta's water quality.

Instead of a costly Peripheral Canal, the State should instead promote alternatives such as using existing conveyance systems and promoting cost-effective and environmentally sound programs that capture, recycle and treat water. The San Joaquin County Board of Supervisors and the cities of Stockton, Manteca and Lathrop have passed resolutions opposing a Peripheral Canal.

Meanwhile, two bills in the State Legislature, AB 458 and SB 12, were heavily rewritten on Sept. 9 and contain language having the potential to restrict local public agencies' existing land-use authority in the Delta region. City staff, the League of California Cities and the Assembly or State legislative analysts have not had time to study the impact of the bills, but both would create new State boards with some level of authority over local agencies' actions that affect the Delta. Staff believes current State authority is sufficient.

FISCAL IMPACT: None at this time, but the construction of a Peripheral Canal and additional State oversight of Delta lands will have adverse financial consequences for our community.

Blair King
City Manager

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2009-_____

A RESOLUTION OF THE LODI CITY COUNCIL OPPOSING
DEVELOPMENT OF A PERIPHERAL CANAL AND EXPANSION
OF STATE AUTHORITY OVER LOCAL LAND-USE DECISIONS

=====

WHEREAS, Governor Arnold Schwarzenegger established the Delta Vision Commission, a Blue Ribbon Task Force and Stakeholder Coordination Group to develop a Delta vision and strategic plan; and

WHEREAS, this effort has revived and calls for studies, modeling, investigations and potential development of an isolated water conveyance facility such as the Peripheral Canal, singularly or as part of a dual conveyance system; and

WHEREAS, voters of the State of California in 1982 rejected an attempt to build a Peripheral Canal to transport water from the Delta to Southern California; and

WHEREAS, the construction and operation of a Peripheral Canal, or a similar facility, would require the taking of prime agricultural land for the construction of canal that would sever and impair utilities and local road systems, create significant new flood dangers to agricultural lands and City of Lodi and Northern California Power Agency facilities at the White Slough Water Pollution Control Facility, affect the water rights of water users within San Joaquin County, impair Delta water quality and supply and impair the protection of fish, wildlife and other recreational resources within San Joaquin County; and

WHEREAS, more viable alternatives to the Peripheral Canal exist; and

WHEREAS, the State Legislature is considering new laws to place greater control of the Delta in the hands of State bodies that would increase State oversight and restrict existing land-use authority of local agencies;

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the City of Lodi opposes the development of a Peripheral Canal or isolated water conveyance system, and opposes the expansion of State authority over local land-use decisions.

Date: September 16, 2009

=====

I hereby certify that Resolution No. 2009-_____ was passed and adopted by the Lodi City Council in a regular meeting held September 16, 2009, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2009-_____